

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
Plaintiff,	:	
	:	
v.	:	CA 10-433 S
	:	
ONLINE-REGISTRIES, INC.,	:	
and DAVID G. STERN,	:	
Defendants,	:	
	:	
and	:	
	:	
MICHELE RITTER,	:	
Relief Defendant.	:	

REPORT AND RECOMMENDATION

David L. Martin, United States Magistrate Judge

Before the Court is the Joint Motion by Plaintiff Securities and Exchange Commission and Defendant David Stern for Entry of Preliminary Injunction, Order Freezing Assets, and Order for Other Equitable Relief (Docket ("Dkt.") #16) ("Joint Motion for Entry of Preliminary Injunction" or "Joint Motion"). The Joint Motion has been referred to me for preliminary review, findings, and recommended disposition pursuant to 28 U.S.C. § 636(b) (1) (B). A hearing was held on February 4, 2011, at which Plaintiff Securities and Exchange Commission (the "Commission")

and Defendant David G. Stern ("Stern") appeared.¹ For the reasons stated herein, I recommend that the Joint Motion be granted.

Discussion

No objection has been filed to the Joint Motion. At the hearing, Stern and counsel for the Commission confirmed that they were in agreement that the [Second Proposed] Stipulated^[1] Preliminary Injunction, Order Freezing Assets, and Order for Other Equitable Relief (Dkt. #19) ("Stipulated Preliminary Injunction") should be entered after the correction of the following two typographical errors:

1. Page 2, footnote 2 should read "Sections 3(I)-(IV) of this PRELIMINARY INJUNCTION are"

2. Page 4, footnote 3 should read "Section 3(III) of the PRELIMINARY INJUNCTION is subject to and limited by Sections 3(VIII)-(X) of the PRELIMINARY INJUNCTION"

The Court has reviewed the Stipulated Preliminary Injunction and finds that the correction of the above typographical errors resolves its concerns. In view of the fact that no party objects and the Commission and Stern are in agreement with respect to the entry of the Stipulated Preliminary Injunction, I recommend that the Joint Motion be granted.

¹ Defendant Online-Registries, Inc. d/b/a Online Medical Registries ("OMR") was served on October 26, 2010, but has yet to appear in this action. See Dkt. Relief Defendant Michele Ritter ("Ritter") filed her Answer to the Complaint on December 9, 2010, but has not filed an objection to the Joint Motion. See id.

Conclusion

For the reasons stated above, I recommend that the Joint Motion for Entry of Preliminary Injunction be granted and that the Stipulated^[1] Preliminary Injunction, Order Freezing Assets, and Order for Other Equitable Relief (Dkt. #20) ("Corrected Stipulated Preliminary Injunction") be entered.² Any objections to this Report and Recommendation must be specific and must be filed with the Clerk of Court within fourteen (14) days of its receipt. See Fed. R. Civ. P. 72(b); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district court and of the right to appeal the district court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ David L. Martin

DAVID L. MARTIN
United States Magistrate Judge
February 4, 2011

² Following the hearing, the Commission submitted a corrected Stipulated^[1] Preliminary Injunction, Order Freezing Assets, and Order for Other Equitable Relief (Dkt. #20) ("Corrected Stipulated Preliminary Injunction") which corrected the typographical errors identified in this Report and Recommendation. Accordingly, this Magistrate Judge recommends that the Corrected Stipulated Preliminary Injunction (Dkt. #20) be entered in lieu of the [Second Proposed] Stipulated^[1] Preliminary Injunction, Order Freezing Assets, and Order for Other Equitable Relief (Dkt. #19).